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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Abuto et al.

Serial No.: 10/034,079

Confirmation No: 2174

Filed: December 20, 2001

For: TARGETED BONDING FIBERS FOR  
STABILIZED ABSORBENT STRUCTURES

Docket No.: 15708A

Group No.: 1771

Examiner:

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OFFICE OF PETITIONS

Hon. Assistant Commissioner of Patents and Trademarks  
Washington, DC 20231

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.10(d)

Applicants request reconsideration of the dismissal of the petition to correct the filing date in this application. The dismissal was dated September 30<sup>th</sup>, 2002, necessitating this Request to be filed by Monday, December 2<sup>nd</sup> to be timely filed.

I, James B. Robinson, hereby certify that on Nov. 18, 2002, this document is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Assistant Commissioner of Patents and Trademarks, Washington, DC 20231.

James B. Robinson

**REMARKS**

This application was filed as one of a family of cases, all of which it was noted in the Specification at page 16 were filed contemporaneously on December 20<sup>th</sup>, 2001. The other cases in the family are noted on page 16 of the Specification and are:

- U.S. Patent Application Serial No. 10/034,021 entitled ABSORBENT STRUCTURES HAVING LOW MELTING FIBERS by J. Workman et al. (attorney docket No. 15,708B), Express Mail number EL 917863999 US.
- U.S. Patent Application Serial No. 10/033,860 entitled TARGETED ON-LINE STABILIZED ABSORBENT STRUCTURES by F. Abuto et al., (attorney docket No. 17,527) , Express Mail number EL 917864005 US, and
- U.S. Patent Application Serial No. 10/037,385 entitled METHOD AND APPARATUS FOR MAKING ON-LINE STABILIZED ABSORBENT MATERIALS by T. Rymer et al. (attorney docket No. 16820).

The undersigned delivered the instant case and the first two listed above to the local US Post Office. The last case listed above was delivered by fellow counsel at another Post Office location. All but the instant case were assigned a filing date of December 20<sup>th</sup>, 2001. The instant case was assigned a filing date of December 17<sup>th</sup>, 2001.

Upon examination of the three filing receipts, Applicants noted that the Postal employee had written the incorrect date on the filing receipt (EL 917853985 US) of this case, and that he had caught this error, almost writing the wrong date on the other two cases as

well. An inspection of the handwritten date of the three filing receipts clearly reveals that the Postal employee began to write the wrong date on the second (EL 917863999 US) and third (EL 917864005 US) cases listed above but caught himself and corrected the error, i.e., he wrote a "1" and then wrote over it with a number "2". The date was also "round dated" with a circular date stamp on the receipts and this was correct, i.e., December 20<sup>th</sup>, 2001.

Photocopies of the filing receipts for the three cases delivered by the undersigned are enclosed and the date stamps and handwritten dates are clearly visible on all three. The "time in" to the Post Office as noted on the filing receipts of the cases is almost identical as well.

The Post Office also conducted an "extensive search" in their computer database but was unable to find any information regarding when the Express Mail envelopes were processed in to their system. A copy of the delivery information from the Post Office indicates that the three cases were delivered to the Patent Office at the same time on December 21<sup>st</sup>, 2001.

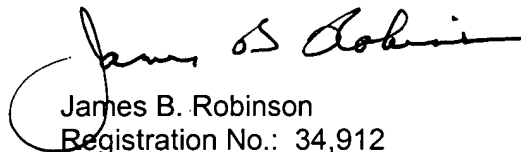
Enclosed with this request for consideration are

- a declaration from the undersigned that I did indeed deliver the three applications to the Post Office as Express Mail on the filing date requested; December 20<sup>th</sup>, 2001;
- a letter from Wayne Christie, Station Manager of the Alpharetta Post Office where the mail was deposited, stating that he believes the postal clerk wrote the wrong date on the receipt. He further notes that the Postal Service would recognize the "round date" as the official receipt date.
- a copy of the tracking printout from the Post Office for each application showing that all three cases were delivered at 11:30 on December 21, 2001.
- a copy of the filing receipts for each Express Mail envelope.

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Filed December 20, 2001

Applicants note that according to 37 CFR 1.10(a), the patent office may use "date in" written on the Express Mail receipt or other official USPS notation. The patent office is not restricted to using only the handwritten "date in". In this case the Postal clerk wrote the wrong date on one of the receipts but date stamped all of them with the same, correct, stamp. All of the envelopes were delivered together to the Patent Office. Applicants respectfully request that the dismissal of the petition be reconsidered and that the instant application be granted its true filing date of December 20<sup>th</sup>, 2001. Should the Examiner have any issues he would like to discuss in order to facilitate the progression of this application, he is encouraged to call the undersigned at (770)-587-7273.

Respectfully submitted;



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